

This matter is before the Court following the August 8, 2024 Status Conference. At the Status Conference, the Court first confirmed that no parties to this action intend to file a petition for a writ of certiorari with the Supreme Court.


Finally, the Court explored the anticipated scope of trial moving forward. The Court instructed Plaintiff and Defendant Gutierrez¹ to meet and confer, and if possible, jointly file a Status Update outlining their position on this issue. To that end, the Plaintiff and Defendant

¹ Because the Fourth Circuit’s decision only remanded for further proceedings a portion of Count I and only as to Defendant Gutierrez, *see Nazario v. Gutierrez*, 103 F.4th 213, 219, 232–33 (4th Cir. 2024), nothing remains to be tried as to Defendant Crocker.

Gutierrez are hereby ORDERED to file a Joint Status Update on or before August 22, 2024, outlining (1) what issues they believe remain to be tried, (2) what evidence they expect will be necessary, and (3) how many days they anticipate needing for trial. ALTERNATIVELY, if the parties are unable to file a Joint Status Update, Plaintiff is ORDERED to file a Status Update regarding the same three topics on or before August 29, 2024. Defendant Gutierrez shall file his response on or by September 12, 2024, and Plaintiff shall file his reply, if any, on or by September 18, 2024.

Let the Clerk send a copy of this Order to all counsel of record.

It is so ORDERED.



/s/ Roderick C. Young
United States District Judge

Richmond, Virginia
Date: August 8, 2024